

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CASE NO.: 7:24-cv-9359**

JON Q. WRIGHT and LARRY ZACH,

Plaintiffs,

v.

FISHING NICE, LLC and LELEX SHOP,  
LLC,

Defendants.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiffs JON Q. WRIGHT and LARRY ZACH by and through their undersigned counsel, bring this Complaint against Defendants FISHING NICE, LLC and LELEX SHOP, LLC for damages and injunctive relief, and in support thereof state as follows:

**SUMMARY OF THE ACTION**

1. Plaintiffs JON Q. WRIGHT (“Wright”) and LARRY ZACH (“Zach”) bring this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Wright and Zach’s original copyrighted Works of authorship.

2. Wright is one of the leading artists in North America specializing in fish and fishing related art and contributes his success to experience, patience, and dedication. He has several fish illustrations, paintings, and designs that are built on his talent and 40 years of expertise.

3. Zach is a professional wildlife artist who spent his childhood days exploring the fields, streams, and forests surrounding his family farm. In 1987, he captured the "grand slam" of

the Iowa art world by winning the Iowa Duck Stamp contest as well as Artist of the Year by Iowa Ducks Unlimited, Iowa Pheasants Forever, and the Iowa Wild Turkey Federation.

4. Defendant FISHING NICE, LLC (“Fishing Nice”) is an online fishing shop that sells clothing and specialized fishing equipment for enthusiastic fishing lovers. At all times relevant herein, Fishing Nice owned and operated the internet website located at the URL <https://fishingnice.com/> (the “FN Website”).

5. Defendant LELEX SHOP, LLC (“Lelex”) is an online hunting and fishing shop that sells unique apparel for enthusiastic hunting and fishing lovers. At all times relevant herein, Lelex owned and operated the internet website located at the URL <https://lelexshop.com/> (the “LS Website”).

6. Defendants Fishing Nice, Lelex are collectively referred to herein as “Defendants”.

7. Plaintiffs allege that Defendants copied their copyrighted Works from the internet in order to advertise, market and promote their business activities. Defendants committed the violations alleged in connection with its business.

### **JURISDICTION AND VENUE**

8. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

9. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

10. Defendants are subject to personal jurisdiction in New York.

11. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, Defendants’ agents are found in this district, and Defendants are subject to personal jurisdiction in this district.

**DEFENDANTS**

12. Fishing Nice, LLC is a New York Limited Liability Company, with its principal place of business at 2972 Kaley Dr. NW, Kennesaw, Georgia, 30152, and can be served by serving its Registered Agent, ALEX ACCIMEUS, 57 ROBERT PITT DRIVE, APT C, MONSEY, NY, 10952.

13. Lelex Shop, LLC is a New York Limited Liability Company, with its principal place of business at 2972 Kaley Dr. NW, Kennesaw, Georgia, 30152, and can be served by serving its Registered Agent, Alex Accimeus, 57 ROBERT PITT DRIVE, APT C, MONSEY, NY, 10952.

**THE COPYRIGHTED WORKS AT ISSUE**

14. The below table details the Copyright Titles, Registration Numbers and Registration Issue Dates of the works of intellectual property at issue in this case, one of which is shown below, and which are referred to herein as the “Works.” Copies of the Registration Certificates and the Works they apply to are attached hereto as Composite **Exhibit 1** and Composite **Exhibit 2**.

<b><u>Copyright Claimant</u></b>	<b><u>Title</u></b>	<b><u>Registration Date</u></b>	<b><u>Registration Number</u></b>	<b><u>Exhibit</u></b>
Jon Wright	Legends Series Artwork	June 1, 2001	VA 1-153-915	1A
Jon Wright	Fooled Again Bass	October 8, 1991	VA 519-738	1B
Jon Wright	JQ Fish Art	July 7, 2009	VAu 1-021-822	1C
Jon Wright	Brown trout, and other acrylic paintings	October 27, 1995	VAu 348-036	1D
Larry Zach	Dream Bucks II – The Missing Trophy	June 13, 2015	VA 1-965-299	2A

Larry Zach	Big City Buck – Larry Zach	June 13, 2015	VA 1-965-308	2B
Larry Zach	Big Country Bucks-Larry Zach	June 13, 2015	VA 1-965-319	2C
Larry Zach	Old Rivals I	January 27, 2017	VA 2-062-235	2D
Larry Zach	Corn Field Buck	February 9, 2023	VA 2-363-027	2E
Larry Zach	Broken solitude--whitetail	April 23, 1996	VA 776-335	2F

15. Wright published his Works by displaying them on his website, <https://jon-wright.pixels.com/> (the “JQ Website”). At the time he published his Works on the JQ Website and at all times thereafter, Wright offered rights to the public through a Royalty-Free License and a variety of Rights-Managed Licenses.<sup>1</sup>

16. Wright’s display of his Works on the JQ Website also included copyright management information (“CMI”) next to the Work in the form of Wright’s name and copyright notice (collectively the “Attributions”).

17. Zach published his Works by displaying them on his website <https://www.zachwildlifeart.com/> (the “LZ Website”).

18. Zach’s display of his Works on the LZ Website included copyright management information (“CMI”) with a copyright notice, the name Larry Zach, and Larry Zach’s signature embedded on the Works (collectively, the “Attributions”).

19. Plaintiffs’ Works are protected by copyright but were not otherwise confidential, proprietary, or trade secrets. The Works in perspective, orientation, positioning, lighting, and

---

<sup>1</sup> <https://jon-wright.pixels.com/termsfuse.html?document=availablelicenses>

other details are entirely original, distinctive, and unique. As such, the Works qualify as subject matters protectable under the Copyright Act.

20. At all relevant times Plaintiffs were the owner of the copyrighted Works.

### **INFRINGEMENT BY DEFENDANTS**

21. Defendants have never been licensed to use the Works at issue in this action for any purpose.

22. On a date after the Works at issue in this action were created, but prior to the filing of this action, Defendants copied the Works.

23. On or about June 21, 2023, Plaintiffs discovered the unauthorized use of their Works on the Defendants' Websites at the following URLs:

1	<a href="https://fishingnice.com/collections/fishing-apparel/products/justonemorecast-b">https://fishingnice.com/collections/fishing-apparel/products/justonemorecast-b</a>
2	<a href="https://fishingnice.com/collections/fishing-apparel/products/bass-fishing-makes-me-happy-1">https://fishingnice.com/collections/fishing-apparel/products/bass-fishing-makes-me-happy-1</a>
3	<a href="https://lelexshop.com/collections/3-days-delivery/products/whitetail-deer-bow-hunter-tank">https://lelexshop.com/collections/3-days-delivery/products/whitetail-deer-bow-hunter-tank</a>
4	<a href="https://lelexshop.com/collections/3-days-delivery/products/usa-proud-whitetail-hunter">https://lelexshop.com/collections/3-days-delivery/products/usa-proud-whitetail-hunter</a>
5	<a href="https://lelexshop.com/products/deer-hunting-1">https://lelexshop.com/products/deer-hunting-1</a>
6	<a href="https://lelexshop.com/collections/hunting/products/born-to-hunt-deer-skull">https://lelexshop.com/collections/hunting/products/born-to-hunt-deer-skull</a>
7	<a href="https://lelexshop.com/collections/hunting/products/us-deer-love">https://lelexshop.com/collections/hunting/products/us-deer-love</a>
8	<a href="https://lelexshop.com/collections/hunting/products/whitetail-hunt-hard">https://lelexshop.com/collections/hunting/products/whitetail-hunt-hard</a>
9	<a href="https://lelexshop.com/collections/hunting/products/hunt-hard-whitetail-deer-bow-hunter-usa-flag-1">https://lelexshop.com/collections/hunting/products/hunt-hard-whitetail-deer-bow-hunter-usa-flag-1</a>
10	<a href="https://lelexshop.com/collections/hunting/products/wdh">https://lelexshop.com/collections/hunting/products/wdh</a>
11	<a href="https://lelexshop.com/collections/hunting/products/copy-of-us-deer-hunter">https://lelexshop.com/collections/hunting/products/copy-of-us-deer-hunter</a>
12	<a href="https://lelexshop.com/collections/hunting/products/us-deer-hunters">https://lelexshop.com/collections/hunting/products/us-deer-hunters</a>
13	<a href="https://lelexshop.com/collections/hunting/products/addicted-bow-hunter">https://lelexshop.com/collections/hunting/products/addicted-bow-hunter</a>
14	<a href="https://lelexshop.com/collections/hunting/products/born-to-hunt-addicted-bow-hunter-t-shirt">https://lelexshop.com/collections/hunting/products/born-to-hunt-addicted-bow-hunter-t-shirt</a>
15	<a href="https://lelexshop.com/collections/hunting/products/addicted-bow-hunter-t-shirt-1">https://lelexshop.com/collections/hunting/products/addicted-bow-hunter-t-shirt-1</a>
16	<a href="https://lelexshop.com/collections/hunting/products/born-to-hunt-whitetail">https://lelexshop.com/collections/hunting/products/born-to-hunt-whitetail</a>
17	<a href="https://lelexshop.com/collections/hunting/products/hhr">https://lelexshop.com/collections/hunting/products/hhr</a>

24. Defendants copied Plaintiffs' Works without permission or authority.

25. After Defendants copied the Works, they made further copies and distributed the Works on the internet to promote the sale of goods and services as part of the various apparel they sell.

26. Defendants copied and distributed Wright, Zach's copyrighted Works in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and services.

27. Defendants committed copyright infringement of the Works as evidenced by the documents attached hereto as **Exhibit 3**.

28. Plaintiffs never gave Defendants permission or authority to copy, distribute or display the Works at issue in this case.

29. Plaintiffs notified Defendants of the allegations set forth herein on September 6, 2023 and September 28, 2023. To date, the parties have failed to resolve this matter.

30. When Defendants copied and displayed the Works at issue in this case, Defendants' removed Plaintiffs' copyright management information from the Works.

31. Plaintiffs never gave Defendants' permission or authority to remove copyright management information from the Work at issue in this case.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

32. Plaintiffs incorporate the allegations of paragraphs 1 through 31 of this Complaint as if fully set forth herein.

33. Plaintiffs own valid copyrights in the Works at issue in this case.

34. Plaintiffs registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

35. Defendants copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without Wright, Zach's authorization in violation of 17 U.S.C. § 501.

36. Defendants performed the acts alleged in the course and scope of its business activities.

37. Defendants' acts were willful.

38. Plaintiffs have been damaged.

39. The harm caused to Plaintiffs has been irreparable.

**COUNT II**  
**REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION**

40. Plaintiffs incorporated the allegations of paragraphs 1 through 31 of this Complaint as if fully set forth herein.

41. The Work contains copyright management information (“CMI”) in the form of the Attributions on the JQ Website and the LZ Website.

42. Defendants knowing and with the intent to enable, conceal, or facilitate copyright infringement, displayed the Works on their Websites without any of the Attributions in violation of 17 U.S.C. § 1202(b).

43. Defendants distributed the Works to their Websites knowing that CMI had been removed or altered without authority of the copyright owners or the law.

44. Defendants committed these acts knowing or having reasonable grounds to know that it would induce, enable, facilitate or conceal infringement of Plaintiffs’ rights in the Works.

45. Defendants caused, directed and authorized others commit these acts knowing or having reasonable grounds to know that it would induce, enable, facilitate or conceal

infringement of Plaintiffs' rights in the Work at issue in this action protected under the Copyright Act.

46. Plaintiffs have been damaged.

47. The harm caused to Plaintiffs has been irreparable.

WHEREFORE, the Plaintiffs JON Q. WRIGHT and LARRY ZACH pray for judgment against the Defendants FISHING NICE, LLC and LELEX SHOP, LLC that:

a. Defendants and their officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501 and 1202;

b. Defendants be required to pay Plaintiffs their actual damages and Defendants' profits attributable to the infringement, or, at Wright, Zach's election, statutory damages, as provided in 17 U.S.C. §§ 504 and 1203;

c. Plaintiffs be awarded their attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiffs be awarded pre- and post-judgment interest; and

e. Plaintiffs be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated: December 9, 2024

Respectfully submitted,

/s/ Joel B. Rothman

JOEL B. ROTHMAN

NY Bar Number: 2459576



[joel.rothman@sriplaw.com](mailto:joel.rothman@sriplaw.com)

**SRIPLAW, P. A.**

41 Madison Avenue  
25th Floor  
New York, New York 10010  
646.475.9070 – Telephone  
561.404.4353 – Facsimile

*Counsel for Plaintiffs Jon Q. Wright and Larry Zach*